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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

WENDY DERZAPH, an individual; ELLIOTT  
DERZAPH, an individual; ELLIOTT  
DERZAPH, as Guardian ad Litem for Minor  
ETHAN DERZAPH,

Case No.: 2:14-cv-01010-KJD-CWH

Plaintiff,

vs.

WYNN LAS VEGAS, LLC, a Nevada Limited  
Liability Company d/b/a Wynn Las Vegas;  
DOES I-X, individuals and ROE  
CORPORATIONS I-X,

Defendants.

**STIPULATION AND ORDER TO BIFURCATE TRIAL**

Plaintiffs Wendy Derzaph, Elliott Derzaph, and Ethan Derzaph ("Plaintiffs"), through their attorneys of record, Steven M. Burris, Esq. and Michael A. Koning, Esq., with the Law Offices of Steven M. Burris and Defendant Wynn Las Vegas, LLC ("Wynn"), by and through its attorneys of record, Craig R. Anderson, Esq. and Brianna Smith, Esq., with the law firm of Marquis Aurbach Coffing, hereby stipulate as follows:

1. FRCP 42(b) provides the court with the discretion and ability to bifurcate the trial of issues on matters pending before it. Specifically, where bifurcation is in the interest of "furtherance of convenience..., or when separate trials will be conducive to expedition and economy, [the court] may order a separate trial of any claim[.]"

...

2. Plaintiffs' Complaint arises from an alleged slip and fall incident at the Wynn. Plaintiffs are claiming significant damages in the form of medical damages for a spinal surgery and psychological damages. Based on the discovery taken to date, the trial of this matter will require a number of experts, the expense of will reach \$50,000.00 or more, per side.

3. Aside from the great expense that would be incurred by the parties, several days would be needed to examine the experts.

4. Accordingly, the parties hereby agree to bifurcate liability from causation and damages based on convenience, economy and the fact that a bifurcation would be conducive to expedition of the case.

DATED this 29th day of January, 2016

DATED this 29th day of January, 2016

LAW OFFICES OF STEVEN M. BURRIS

MARQUIS AURBACH COFFING

By: /s/ Michael A. Koning

By: /s/ Brianna Smith

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Attorneys for Plaintiff

Attorneys for Defendant Wynn

### ORDER

The above Stipulation and Order is hereby GRANTED. The trial of this matter will be bifurcated with a trial on liability being conducted first and then a separate trial on causation and damages.

IT IS SO ORDERED this 1st day of February, 2016.

  
UNITED STATES DISTRICT COURT JUDGE